



YAKUTAT SCHOOL DISTRICT
CITY AND BOROUGH OF YAKUTAT
429 FOREST HWY. • P.O. BOX 429
YAKUTAT, ALASKA 99689

DISTRICT OFFICE	(907) 784-3317
HIGH SCHOOL	(907) 784-3318
FAX	(907) 784-3446
ELEMENTARY SCHOOL	(907) 784-3394
FAX	(907) 784-3945

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

October 6, 2011

Dear FCC E-Rate Funding Review Committee:

The Yakutat School District (BEN (145623) respectfully requests reconsideration of FCC decision DA 11-1553, CC Docket No. 02-6, Released September 14, 2011, with respect to your denial of the Petition for Reconsideration for funding of FY2011 # 145623. We recognize that our filing of the form 471 was 18 days beyond the FY2011 filing deadline. We also recognize that filings within 14 days and for good cause were remanded to USAC for funding in DA 11-1223. Yakutat School District's original appeal has failed to convince you that this delay in filing was ministerial and that Commission rules should be waived. We recognize that the Commission may waive any provisions of its rules for good cause and we strongly believe that there is good cause for you to do so in this situation. For these reasons we are filing this petition for reconsideration under Application for Review Title 47: Telecommunication 1.115. In our original appeal we stated only that we missed the deadline due to unforeseen circumstances. We recognize now that it would be in our best interests to share with you what those circumstances were in the hope that you will reconsider your denial of our appeal.

The Business Manager was hired in June 2010, following a long time Business Manager of 10+ years that worked closely with our Technology Coordinator on the E-rate application. Our Technology Coordinator retired in 2011 after 25 + years with the district. Due to declining enrollment we haven't hired an onsite Technology Coordinator. It is clear that there was a transition and a steep learning curve for the new Business Manager. The process of filing the E-rate application was left to the new Business Manager with no prior experience or training in this vital E-rate funding stream. Training opportunities for our new Business Manager to learn the E-rate application process and required deadlines were beyond his limited knowledge. He did not understand how the E-rate application process worked and did not comprehend the financial impact on the district of the required deadlines.

The Yakutat School District is a one-site district located in southeast Alaska with a student enrollment of less than 110 students in grades K-12. We are located off the road system with access only by boat or plane.

We believe that we have compelling reason for you to waive your rules with respect to the Form 471 filing deadline. We believe that the error in timely filing here is of the type you addressed in the Bishop Perry Order of 2006 (FCC 06-54). We contend that you were speaking directly about districts such as ours when you stated in the Bishop Perry Order that *"many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a significant number of applications for E-rate support being denied for ministerial, clerical or procedural errors"*. We are that small district, with the Superintendent who also serves as Principal, Special Education Director, Title I Coordinator and Grant Writer. We do not have the luxury of management layers and each of our small staff must assume many duties in order to deliver quality education to our students. We appreciate the importance of deadlines and recognize that our late filing was a grievous error that will never be repeated. But we beg your recognition that we in no way meant to abuse the program and that our students should not be punished for our ministerial error in this instance.

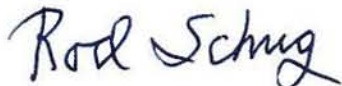
The Yakutat School District Superintendent has put calendar reminders in place to ensure that our Business Manager completes the required E-rate forms in a timely manner. Our new Business Manager is now aware of the required due dates and financial impact on our school district.

The loss of this E-rate funding will drive future budget decisions that will have a direct impact on the quality of education that our staff can deliver to our students. The Yakutat School District has an overall budget roughly over 2 million dollars, yet the E-rate funding amounts to over \$100,000. This is a huge financial impact on our small school district.

For these reasons we urge you to reconsider our funding denial for FY2011 and hope that you will see that in our case there is good cause to reverse your previous DA 11-1553, CC Docket No. 02-6 denial of our E-Rate funding. We believe that the Commission recognized in the Bishop Perry Order that there are circumstances where small applicants such as ourselves find that program rules are occasionally obstacles to our application success. We contend that our failure to meet the deadline by 18 days does not represent program waste, fraud or abuse and that there is good cause to waive program rules in this isolated instance with the understanding that the Yakutat School District now has mechanisms in place to ensure that this application delay will never happen again.

Thank you for your time and reconsideration of our request for E-rate funding for FY2011. We look forward to a favorable decision, with the beneficiaries being our students of today and those that enter our schoolhouse doors in the years ahead.

Respectfully,

A handwritten signature in dark ink that reads "Rod Schug". The signature is written in a cursive, flowing style.

Rod Schug, Superintendent
rschug@yakutatschools.org